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Attorney for Defendant
DANIEL MARTINEZ SANDOVAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. F 02-5094 LJO
)	
Plaintiff,)	STIPULATED MOTION TO REDUCE
)	SENTENCE PURSUANT TO 18 U.S.C.
v.)	\$ 3582(c)(2); ORDER
)	
DANIEL MARTINEZ SANDOVAL,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	Judge: LAWRENCE J. O'NEILL
)	

Defendant, DANIEL MARTINEZ SANDOVAL, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney KATHLEEN ANNE SERVATIUS, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On May 19, 2003, this Court sentenced Mr. Sandoval to an aggregate term of imprisonment of 144 months, comprised of 48 months each on counts one, two and three, to be served consecutively, for

violation of 21 U.S.C. § 843(b);

3. On May 14, 2008, pursuant to a stipulation of the parties, the Court resentenced Mr. Sandoval to an aggregate term of 138 months.

4. The sentencing range applicable to Mr. Sandoval was subsequently lowered by the United States Sentencing Commission in Amendment 750;

5. Accordingly, Mr. Sandoval's adjusted offense level has been reduced from 27 to 23, and a sentence at the comparable point of the newly applicable guideline range would be 99 months;

6. Mr. Sandoval merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Sandoval's positive post-sentencing conduct;

7. Accordingly, the parties request the court to enter the order lodged herewith on November 1, 2011, reducing Mr. Sandoval's term of imprisonment to an aggregate term of 99 months, to be comprised of a term of 33 months on each of counts one, two, and three, to be served consecutively.

Dated: October 28, 2011

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Kathleen Anne Servatius
KATHLEEN ANNE SERVATIUS
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
DANIEL MARTINEZ SANDOVAL

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Sandoval is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the total offense level from 27 to 23, and an appropriate sentence within the new applicable guideline range would be 99 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed on May 14, 2008 is reduced to an aggregate term of 99 months, to be comprised of a term of 33 months on each of counts one, two, and three, to be served consecutively.

The provisions of this order are stayed up to and including November 11, 2011, to permit the Bureau of Prisons to make appropriate release arrangements.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Sandoval shall report to the United States Probation office closest to the release destination within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: November 1, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE